

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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DAILY CALLER NEWS FOUNDATION  
1920 L Street N.W., Suite 200  
Washington, DC 20036

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION  
935 Pennsylvania, Avenue, N.W.  
Washington, D.C. 20535,

Defendant.

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Civil Action No. 18-1833

**COMPLAINT**

1. Plaintiff Daily Caller News Foundation (“DCNF”) brings this action under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking access to records improperly withheld by Defendant Federal Bureau of Investigation (“FBI”).

2. This Complaint concerns a FOIA request for records relating to FBI Special Government Employee (“SGE”) Daniel Richman, including FBI communications with and about him, as well as his relationship with former FBI Director James Comey.

3. By failing to provide a final determination on this request or to produce non-exempt responsive records in a timely manner, Defendant FBI has unlawfully withheld agency records to which DCNF has a right.

**JURISDICTION AND VENUE**

4. Jurisdiction is asserted pursuant to 28 U.S.C. § 1331 and 5 U.S.C. § 552(a)(4)(B).

5. Venue is proper pursuant to 28 U.S.C. § 1391(e) and 5 U.S.C. § 552(a)(4)(B).

## **PARTIES**

6. Plaintiff DCNF is a 501(c)(3) non-profit organization that provides original investigative reporting from a team of professional reporters who operate for the public benefit. Content created by the DCNF is available without charge to any eligible news publisher that can provide a large audience.

7. Defendant FBI is an agency within the meaning of 5 U.S.C. § 552(f)(1). The FBI has possession, custody, or control of records to which DCNF seeks access and that are the subject of this Complaint.

## **FACTS**

8. By online form, dated April 25, 2018, DCNF submitted a FOIA request to the FBI seeking access to “all records, documents, and communications pertaining to Daniel Richman, a Special Government Employee hired by former FBI Director James Comey.” Ex. 1 (hereinafter “FOIA request”).

9. DCNF specified that “[t]his request includes all communications between the bureau and Mr. Richman concerning his SGE work assignments, all intra-bureau communications about Mr. Richman and his assignments and activities, as well as all work product delivered to Director Comey or to others within the bureau.” Ex. 1.

10. DCNF also specified that “[t]his additionally includes all of Mr. Richman's work product whose messages were conveyed to the public in FBI comments, speeches and printed material.” Ex. 1.

11. DCNF requested a full waiver of all fees for this “highly important topic” and explained that it is “an accredited news organization based in the District of Columbia. [DCNF]

has received recognition as a news organization from the U.S. Congress, the Pentagon and the White House, among other government entities.” Ex. 1.

12. DCNF “placed \$200 in [its] ‘maximum’ pay out, but in fact [DCNF] seek[s] all documents from the bureau for no cost to TheDCNF.” Ex. 1.

13. DCNF additionally requested expedited processing, explaining, “This issue touches on the trustworthiness, integrity and honesty of Director Comey, a key matter of public importance that can lead to a lack of public trust in our government officials. In light of these facts, we seek an expedited processing of this FOIA request.” Ex. 1.

14. By letter, dated May 7, 2018, the FBI acknowledged that it had received DCNF’s FOIA request and assigned it tracking number 1404359-000. The agency did not provide an estimated date of completion nor did the agency check the box on its letter indicating that the request was “currently being processed[.]” Ex. 2.

15. The FBI properly construed the DCNF request to be asking both for news media requester status and a public interest fee waiver. Ex. 2.

16. The FBI granted DCNF “news media requester” status and noted that DCNF’s application for a public interest fee waiver was still “under consideration.” Ex. 2.

17. To date, the FBI has failed to issue an interim response, final determination, or production of any responsive agency records.

### **COUNT I**

#### **Violation of the FOIA: Failure to Comply with Statutory Requirements**

18. DCNF repeats all of the above paragraphs.

19. The FOIA requires an agency to accept and process any request for access to agency records that (a) “reasonably describes such records,” and (b) “is made in accordance with published rules stating the time, place, fees, . . . and procedures to be followed[.]” 5 U.S.C. § 552(a)(3)(A).

20. The FOIA further requires an agency to respond to a valid request within twenty business days or, in “unusual circumstances,” within thirty business days. *Id.* § 552(a)(6)(A)–(B).

21. DCNF’s April 25, 2018 FOIA request seeks access to agency records maintained by the FBI, reasonably describes the records sought, and otherwise complies with the FOIA and applicable FBI regulations.

22. More than thirty business days have passed since the FBI acknowledged receipt of the FOIA request.

23. The FBI has failed to issue a final determination on or produce records responsive to the request within the applicable statutory time limits.

24. DCNF has fully exhausted its administrative remedies under 5 U.S.C. § 552(a)(6)(C).

**RELIEF REQUESTED**

WHEREFORE, DCNF respectfully requests and prays that this Court:

- a. Order the FBI to process the FOIA request and to issue a final determination within twenty business days of the date of the Order;
- b. Order the FBI to produce all responsive records promptly upon issuing its final determination on the FOIA request;
- c. Award DCNF its costs and reasonable attorney fees incurred in this action pursuant to 5 U.S.C. § 552(a)(4)(E); and
- d. Grant such other relief as the Court may deem just and proper.

Dated: August 6, 2018

Respectfully submitted,

/s/ Eric R. Bolinder

Eric R. Bolinder

D.C. Bar No. 1028335

Lee A. Steven

D.C. Bar No. 468543

CAUSE OF ACTION INSTITUTE

1875 Eye Street, N.W., Suite 800

Washington, D.C. 20006

Telephone: (202) 499-4232

Facsimile: (202) 330-5842

[eric.bolinder@causeofaction.org](mailto:eric.bolinder@causeofaction.org)

[lee.steven@causeofaction.org](mailto:lee.steven@causeofaction.org)

*Counsel for Plaintiff DCNF*

# Exhibit 1

From: <[efoia@subscriptions.fbi.gov](mailto:efoia@subscriptions.fbi.gov)>  
Date: Wed, Apr 25, 2018 at 11:40 AM  
Subject: eFOIA Request Received  
To: <[rpollockdc@gmail.com](mailto:rpollockdc@gmail.com)>

## Organization Representative Information

**Organization Name** Daily Caller News Foundation **Prefix** [ ] **First Name** Richard **Middle Name** P **Last Name** Pollock **Suffix** [ ] **Email** [rpollockdc@gmail.com](mailto:rpollockdc@gmail.com) **Phone** 703-593-7287 **Location** United States

## Domestic Address

**Address Line 1** 1920 L Street, NW **Address Line 2** Suite 200 **City** Washington **State** District of Columbia **Postal** 20036

## Agreement to Pay

### How you will pay

I am requesting a fee waiver for my request and have reviewed the FOIA reference guide. If my fee waiver is denied, I am willing to pay additional fees and will enter that maximum amount in the box below.

**Allow up to \$** 200

## Proof Of Affiliation for Fee Waiver

### Waiver Explanation

The Daily Caller News Foundation is an accredited news organization based in the District of Columbia. It has received recognition as a news organization from the U.S. Congress, the Pentagon and the White House, among other government entities.

Under these circumstances, we seek a full waiver of all fees regarding this highly important topic. We placed \$200 in our "maximum" pay out, but in fact we seek all documents from the bureau for no cost to TheDCNF.

#### Documentation Files

## Non-Individual FOIA Request

#### Request Information

The Daily Caller News Foundation seeks all records, documents and communications pertaining to Daniel Richman, a Special Government Employee hired by former FBI Director James Comey.

This request includes all communications between the bureau and Mr. Richman concerning his SGE work assignments, all intra-bureau communications about Mr. Richman and his assignments and activities, as well as all work product delivered to Director Comey or to others within the bureau.

This additionally includes all of Mr. Richman's work product whose messages were conveyed to the public in FBI comments, speeches and printed material.

Mr. Richman confirmed to Fox News as reported on April 25, that he served as an SGE for Director Comey and other bureau officials as posted here:

<http://www.foxnews.com/politics/2018/04/24/comeys-memo-leak-contact-had-special-government-employee-status-at-fbi.html>

TheDCNF seeks an expedited processing of this FOIA request as it is a major issue in the news concerning the FBI's handling of Hillary Clinton's email server. This matter is of high media interest which goes to the heart of the trust and integrity of our government officials.

TheDCNF also seeks a waiver of all fees regarding this request. TheDCNF is



an accredited news organization based in Washington, D.C.

Sincerely,

Richard Pollock

## Expedite

### Expedite Reason

Director Comey's secret hiring a "friend" to serve as a special government employee to advise him on the Hillary Clinton email server investigation raises many issues of public integrity.

In his testimony before the Senate Intelligence Committee on June 8, 2017, Director Comey disclosed that he gave his friend, Columbia University law professor Daniel Richman, a copy of his contemporary notes on a meeting with President Trump. Director Comey instructed Prof. Richman to leak this information to the New York Times, which he did. It was recently disclosed that some of Director Comey's contemporaneous notes included classified information.

At no time during his testimony before the Senate committee did Director Comey disclose that Prof. Richman was a Special Government Employee. He had ample opportunity to do so, but misled the committee.

The public also does not know if Prof. Richman leaked classified information to any other news organizations on behalf of Director Comey.

Prof. Richman's unusual hiring as an SGE and disclosure of his assignments and work products are central to a public understanding of the processes underway at the bureau in its investigation of Hillary Clinton's email server.

This issue touches on the trustworthiness, integrity and honesty of Director Comey, a key matter of public importance that can lead to a lack of public trust in our government officials.

In light of these facts, we seek an expedited processing of this FOIA request.

# Exhibit 2



U.S. Department of Justice

**Federal Bureau of Investigation**  
Washington, D.C. 20535

May 7, 2018

MR. RICHARD POLLOCK  
THE DAILY CALLER NEWS FOUNDATION  
1920 L STREET, NW  
WASHINGTON, DC 20036

FOIPA Request No.: 1404359-000  
Subject: All Records, Documents, and  
Communications Pertaining to Daniel  
Richman

Dear Mr. Pollock:

This acknowledges receipt of your Freedom of Information Act (FOIA) request to the FBI. Below you will find check boxes and informational paragraphs about your request, as well as specific determinations required by these statutes. Please read each one carefully.

- ☒ Your request has been received at FBI Headquarters for processing.
- ☒ You submitted your request via the FBI's eFOIPA system.
  - ☒ We have reviewed your request. Consistent with the FBI eFOIPA terms of service, future correspondence about your FOIA request will be provided in an email link.
  - ☐ We have reviewed your request. Consistent with the FBI eFOIPA terms of service, future correspondence about your FOIPA request will be sent through standard mail.
- ☐ The subject of your request is currently being processed and documents will be released to you upon completion.
- ☐ Release of responsive records will be posted to the FBI's electronic FOIA Library (The Vault), <http://vault.fbi.gov>, and you will be contacted when the release is posted.
- ☒ Your request for a public interest fee waiver is under consideration, and you will be advised of the decision at a later date. If your fee waiver is not granted, you will be responsible for applicable fees per your designated requester fee category below.
- ☒ For the purpose of assessing any fees, we have determined:
  - ☐ As a commercial use requester, you will be charged applicable search, review, and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(I).
  - ☒ As an educational institution, noncommercial scientific institution or representative of the news media requester, you will be charged applicable duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(II).
  - ☐ As a general (all others) requester, you will be charged applicable search and duplication fees in accordance with 5 USC § 552 (a)(4)(A)(ii)(III).

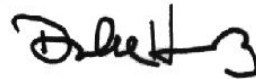
Please check the status of your FOIPA request at [www.fbi.gov/foia](http://www.fbi.gov/foia) by clicking on **FOIPA Status** and entering your FOIPA Request Number. Status updates are adjusted weekly. The status of newly assigned requests may not be available until the next weekly update. If the FOIPA has been closed the notice will indicate that appropriate correspondence has been mailed to the address on file.

For questions regarding our determinations, visit the [www.fbi.gov/foia](http://www.fbi.gov/foia) website under "Contact Us." The FOIPA Request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

You may file an appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, Suite 11050, 1425 New York Avenue, NW, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's FOIA online portal by creating an account on the following web site: <https://foiaonline.regulations.gov/foia/action/public/home>. Your appeal must be postmarked or electronically transmitted within ninety (90) days from the date of this letter in order to be considered timely. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS) at 877-684-6448, or by emailing [ogis@nara.gov](mailto:ogis@nara.gov). Alternatively, you may contact the FBI's FOIA Public Liaison by emailing [foipaquestions@fbi.gov](mailto:foipaquestions@fbi.gov). If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Hardy", with a stylized flourish at the end.

David M. Hardy  
Section Chief,  
Record/Information  
Dissemination Section  
Records Management Division

## CIVIL COVER SHEET

JS-44 (Rev. 7/16 DC)

<b>I. (a) PLAINTIFFS</b> DAILY CALLER NEWS FOUNDATION  (b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>11001 (DC)</u> (EXCEPT IN U.S. PLAINTIFF CASES)	<b>DEFENDANTS</b> FEDERAL BUREAU OF INVESTIGATION  COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT _____ (IN U.S. PLAINTIFF CASES ONLY) <small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small>																								
(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) Eric R. Bolinder CAUSE OF ACTION INSTITUTE 1875 Eye Street NW, Suite 800 Washington, DC 20006	ATTORNEYS (IF KNOWN)																								
<b>II. BASIS OF JURISDICTION</b> (PLACE AN x IN ONE BOX ONLY) <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="radio"/> 1 U.S. Government Plaintiff         </div> <div style="width: 48%;"> <input type="radio"/> 3 Federal Question (U.S. Government Not a Party)         </div> </div> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="radio"/> 2 U.S. Government Defendant         </div> <div style="width: 48%;"> <input type="radio"/> 4 Diversity (Indicate Citizenship of Parties in item III)         </div> </div>	<b>III. CITIZENSHIP OF PRINCIPAL PARTIES</b> (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) <b>FOR DIVERSITY CASES ONLY!</b> <table style="width: 100%; border: none;"> <thead> <tr> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> <th></th> <th style="text-align: center;">PTF</th> <th style="text-align: center;">DFT</th> </tr> </thead> <tbody> <tr> <td>Citizen of this State</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td style="text-align: center;"><input type="radio"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td style="text-align: center;"><input type="radio"/> 4</td> <td style="text-align: center;"><input type="radio"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td style="text-align: center;"><input type="radio"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="radio"/> 5</td> <td style="text-align: center;"><input type="radio"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td style="text-align: center;"><input type="radio"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="radio"/> 6</td> <td style="text-align: center;"><input type="radio"/> 6</td> </tr> </tbody> </table>		PTF	DFT		PTF	DFT	Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input type="radio"/> 4	Citizen of Another State	<input type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5	Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6
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Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6																				

## IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place an X in one category, A-N, that best represents your Cause of Action and one in a corresponding Nature of Suit)

<input type="radio"/> <b>A. Antitrust</b>  <input type="checkbox"/> 410 Antitrust	<input type="radio"/> <b>B. Personal Injury/Malpractice</b>  <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Medical Malpractice <input type="checkbox"/> 365 Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Product Liability	<input type="radio"/> <b>C. Administrative Agency Review</b>  <input type="checkbox"/> 151 Medicare Act  <u>Social Security</u> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <u>Other Statutes</u> <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 890 Other Statutory Actions (If Administrative Agency is Involved)	<input type="radio"/> <b>D. Temporary Restraining Order/Preliminary Injunction</b>  Any nature of suit from any category may be selected for this category of case assignment.  *(If Antitrust, then A governs)*
<input type="radio"/> <b>E. General Civil (Other)</b> OR <input type="radio"/> <b>F. Pro Se General Civil</b>			
<u>Real Property</u> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent, Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property  <u>Personal Property</u> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<u>Bankruptcy</u> <input type="checkbox"/> 422 Appeal 27 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <u>Prisoner Petitions</u> <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Conditions <input type="checkbox"/> 560 Civil Detainee – Conditions of Confinement  <u>Property Rights</u> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <u>Federal Tax Suits</u> <input type="checkbox"/> 870 Taxes (US plaintiff or defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	<u>Forfeiture/Penalty</u> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <u>Other Statutes</u> <input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 430 Banks & Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organization <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Satellite TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)

<input type="radio"/> <b>G. Habeas Corpus/ 2255</b>  <input type="checkbox"/> 530 Habeas Corpus – General <input type="checkbox"/> 510 Motion/Vacate Sentence <input type="checkbox"/> 463 Habeas Corpus – Alien Detainee	<input type="radio"/> <b>H. Employment Discrimination</b>  <input type="checkbox"/> 442 Civil Rights – Employment (criteria: race, gender/sex, national origin, discrimination, disability, age, religion, retaliation)  <i>*(If pro se, select this deck)*</i>	<input checked="" type="radio"/> <b>I. FOIA/Privacy Act</b>  <input checked="" type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 890 Other Statutory Actions (if Privacy Act)  <i>*(If pro se, select this deck)*</i>	<input type="radio"/> <b>J. Student Loan</b>  <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (excluding veterans)
<input type="radio"/> <b>K. Labor/ERISA (non-employment)</b>  <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Labor Railway Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="radio"/> <b>L. Other Civil Rights (non-employment)</b>  <input type="checkbox"/> 441 Voting (if not Voting Rights Act) <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 445 Americans w/Disabilities – Employment <input type="checkbox"/> 446 Americans w/Disabilities – Other <input type="checkbox"/> 448 Education	<input type="radio"/> <b>M. Contract</b>  <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholder's Suits <input type="checkbox"/> 190 Other Contracts <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="radio"/> <b>N. Three-Judge Court</b>  <input type="checkbox"/> 441 Civil Rights – Voting (if Voting Rights Act)

**V. ORIGIN**  
☒ 1 Original Proceeding  
 ☐ 2 Removed from State Court  
 ☐ 3 Remanded from Appellate Court  
 ☐ 4 Reinstated or Reopened  
 ☐ 5 Transferred from another district (specify)  
 ☐ 6 Multi-district Litigation  
 ☐ 7 Appeal to District Judge from Mag. Judge  
 ☐ 8 Multi-district Litigation – Direct File

**VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)**  
 FOIA, 5 U.S.C. § 552 (Failure to Comply with Statutory Deadlines)

<b>VII. REQUESTED IN COMPLAINT</b>	CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/>	DEMAND \$ _____	JURY DEMAND: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
<b>VIII. RELATED CASE(S) IF ANY</b>	(See instruction)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	If yes, please complete related case form

DATE: 8/6/2018	SIGNATURE OF ATTORNEY OF RECORD: /s/ Eric R. Bolinder
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**INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44**  
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and services of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the cover sheet.

- I.** COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff if resident of Washington, DC, 88888 if plaintiff is resident of United States but not Washington, DC, and 99999 if plaintiff is outside the United States.
- III.** CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV.** CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of the case.
- VI.** CAUSE OF ACTION: Cite the U.S. Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII.** RELATED CASE(S), IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DAILY CALLER NEWS FOUNDATION

*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION

*Defendant*

Civil Action No. 18-1833

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*  
FEDERAL BUREAU OF INVESTIGATION  
935 Pennsylvania, Avenue, N.W.  
Washington, D.C. 20535

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Eric R. Bolinder  
CAUSE OF ACTION INSTITUTE  
1875 Eye Street NW, Suite 800  
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*



Civil Action No. 18-1833

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DAILY CALLER NEWS FOUNDATION

*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION

*Defendant*

Civil Action No. 18-1833

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*

U.S. ATTORNEY GENERAL  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Eric R. Bolinder  
CAUSE OF ACTION INSTITUTE  
1875 Eye Street NW, Suite 800  
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. 18-1833

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

DAILY CALLER NEWS FOUNDATION

*Plaintiff*

v.

FEDERAL BUREAU OF INVESTIGATION

*Defendant*

Civil Action No. 18-1833

**SUMMONS IN A CIVIL ACTION**

To: *(Defendant's name and address)*  
Civil Process Clerk  
U.S. ATTORNEY'S OFFICE  
555 Fourth Street, N.W.  
Washington, D.C. 20530

A lawsuit has been filed against you.

Within 30 days after service of this summons on you (not counting the day you received it) you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Eric R. Bolinder  
CAUSE OF ACTION INSTITUTE  
1875 Eye Street NW, Suite 800  
Washington, DC 20006

If you fail to respond, judgment by default may be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

*ANGELA D. CAESAR, CLERK OF COURT*

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of Clerk or Deputy Clerk*

Civil Action No. 18-1833

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 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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☐ Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc: